

SENATE BILL 200

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2004 Regular Session
4r1263
CF 4r2000

By: **Senators McFadden, Conway, Della, Gladden, Hughes, and Jones**

Introduced and read first time: January 27, 2004

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Election Law - ~~Voting System~~ - Baltimore City - Voting Stations or Voting**
3 **Booths Required**

4 FOR the purpose of ~~exempting Baltimore City from the requirement to use a certain~~
5 ~~voting system; providing that a voting system certified for use in Baltimore City~~
6 ~~as of a certain date and any upgrades to the voting system are deemed certified~~
7 ~~for certain purposes; exempting Baltimore City from certain provisions~~
8 ~~concerning a uniform statewide voting system under certain circumstances~~
9 requiring the Baltimore City Board of Elections, during certain elections, to
10 provide each polling place with a certain number of voting stations or voting
11 booths and a certain number of accessible voting stations or voting booths; and
12 ~~generally relating to the use of a voting system~~ requirements regarding voting
13 stations or voting booths in Baltimore City.

14 BY repealing and reenacting, with amendments,
15 Article - Election Law
16 Section ~~9-101 and 9-102~~ 9-102(e)
17 Annotated Code of Maryland
18 (2003 Volume and 2003 Supplement)

19 ~~BY repealing and reenacting, without amendments,~~
20 ~~Article - Election Law~~
21 ~~Section 9-103~~
22 ~~Annotated Code of Maryland~~
23 ~~(2003 Volume and 2003 Supplement)~~

24 ~~BY repealing and reenacting, with amendments,~~

1 Chapter 564 of the Acts of the General Assembly of 2001
2 Section 5(a)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Election Law**

6 ~~9-101.~~

7 (a) ~~The State Board, in consultation with the local boards, shall select and~~
8 ~~certify a voting system for voting in polling places and a voting system for absentee~~
9 ~~voting.~~

10 (b) (1) ~~THIS SUBSECTION DOES NOT APPLY TO BALTIMORE CITY.~~

11 (2) ~~The voting system selected and certified for voting in polling places~~
12 ~~[and the voting system selected and certified for absentee voting] shall be used in all~~
13 ~~counties.~~

14 (C) ~~THE VOTING SYSTEM SELECTED AND CERTIFIED FOR ABSENTEE VOTING~~
15 ~~SHALL BE USED IN ALL COUNTIES.~~

16 [(c)] (D) ~~The State Board shall acquire:~~

17 (1) ~~the voting system selected and certified for voting in polling places;~~
18 ~~and~~

19 (2) ~~the voting system selected and certified for absentee voting.~~

20 ~~9-102.~~

21 (a) ~~The State Board shall adopt regulations for the review, certification, and~~
22 ~~decertification of voting systems.~~

23 (b) ~~The State Board shall periodically review and evaluate alternative voting~~
24 ~~systems.~~

25 (c) ~~The State Board may not certify a voting system unless the State Board~~
26 ~~determines that:~~

27 (1) ~~the voting system will:~~

28 (i) ~~protect the secrecy of the ballot;~~

29 (ii) ~~protect the security of the voting process;~~

30 (iii) ~~count and record all votes accurately;~~

31 (iv) ~~accommodate any ballot used under this article;~~

1 (vv) protect all other rights of voters and candidates; and

2 (vi) be capable of creating a paper record of all votes cast in order
3 that an audit trail is available in the event of a recount;

4 (2) the voting system has been:

5 (i) examined by an independent testing laboratory that is approved
6 by the National Association of State Election Directors; and

7 (ii) shown by the testing laboratory to meet the performance and
8 test standards for electronic voting systems established by the Federal Election
9 Commission; and

10 (3) the public interest will be served by the certification of the voting
11 system;

12 (4) In determining whether a voting system meets the required standards, the
13 State Board shall consider:

14 (1) the commercial availability of the system and its replacement parts
15 and components;

16 (2) the availability of continuing service for the system;

17 (3) the cost of implementing the system;

18 (4) the efficiency of the system;

19 (5) the likelihood that the system will malfunction;

20 (6) the system's ease of understanding for the voter;

21 (7) the convenience of voting afforded by the system;

22 (8) the timeliness of the tabulation and reporting of election returns;

23 (9) the potential for an alternative means of verifying the tabulation;

24 (10) accessibility for all voters with disabilities recognized by the
25 Americans with Disabilities Act; and

26 (11) any other factor that the State Board considers relevant.

27 (e) (1) The State Board shall adopt regulations relating to requirements for
28 each voting system selected and certified under § 9-101 of this subtitle.

29 (2) (1) The regulations shall specify the procedures necessary to assure
30 that the standards of this title are maintained, including:

31 (i) 1. a description of the voting system;

1 ~~(ii)~~ 2. a public information program by the local board, at the
2 time of introduction of a new voting system, to be directed to all voters, candidates,
3 campaign groups, schools, and news media in the county;

4 ~~(iii)~~ 3. local election officials' responsibility for management of
5 the system;

6 ~~(iv)~~ 4. the actions required to assure the security of the voting
7 system;

8 ~~(v)~~ 5. the supplies and equipment required;

9 ~~(vi)~~ 6. the storage, delivery, and return of the supplies and
10 equipment necessary for the operation of the voting system;

11 ~~(vii)~~ 7. standards for training election officials in the operation
12 and use of the voting system;

13 ~~(viii)~~ 8. before each election and for all ballot styles to be used,
14 testing by the members of the local board to ensure the accuracy of tallying,
15 tabulation, and reporting of the vote, and observing of that testing by representatives
16 of political parties and of candidates who are not affiliated with political parties;

17 ~~(ix)~~ 9. EXCEPT FOR A REGULARLY SCHEDULED PRIMARY OR
18 GENERAL ELECTION IN BALTIMORE CITY, the number of voting stations or voting
19 booths required in each polling place, in relation to the number of registered voters
20 assigned to the polling place;

21 ~~(x)~~ 10. the practices and procedures in each polling place
22 appropriate to the operation of the voting system;

23 ~~(xi)~~ 11. assuring ballot accountability in systems using a
24 document ballot;

25 ~~(xii)~~ 12. the actions required to tabulate votes; and

26 ~~(xiii)~~ 13. postelection review and audit of the system's output.

27 (II) FOR A REGULARLY SCHEDULED PRIMARY OR GENERAL
28 ELECTION IN BALTIMORE CITY, THE LOCAL BOARD SHALL PROVIDE EACH POLLING
29 PLACE WITH:

30 1. THE GREATER OF:

31 A. ONE VOTING STATION OR VOTING BOOTH FOR EACH 400
32 REGISTERED VOTERS, PLUS AN ADDITIONAL VOTING STATION OR VOTING BOOTH
33 FOR EACH FRACTIONAL PART OF THAT NUMBER; OR

34 B. TWO VOTING STATIONS OR VOTING BOOTHS; AND

1 2. AT LEAST ONE VOTING STATION OR VOTING BOOTH WITH
 2 ACCESSIBLE VOTING EQUIPMENT TO ACCOMMODATE VOTERS WITH A DISABILITY.

3 (3) Certification of a voting system is not effective until the regulations
 4 applicable to the voting system have been adopted.

5 ~~(F) A VOTING SYSTEM CERTIFIED FOR USE IN BALTIMORE CITY ON JANUARY~~
 6 ~~1, 2004, AND ANY UPGRADE TO THE VOTING SYSTEM REQUIRED TO COMPLY WITH~~
 7 ~~FEDERAL LAW SHALL BE DEEMED CERTIFIED FOR PURPOSES OF THIS SUBTITLE.~~

8 ~~9-103.~~

9 (a) ~~The State Board:~~

10 (1) ~~may decertify a voting system previously certified if the State Board~~
 11 ~~determines that the system no longer merits certification; and~~

12 (2) ~~shall decertify a previously certified voting system if the voting~~
 13 ~~system no longer meets one or more of the standards in § 9-102(e)(1)(i) through (iii) of~~
 14 ~~this subtitle.~~

15 (b) ~~The State Board shall determine the effective date and conditions of the~~
 16 ~~decertification.~~

17 **Chapter 564 of the Acts of 2001**

18 ~~SECTION 5. AND BE IT FURTHER ENACTED, That:~~

19 (a) (1) ~~IF THE VOTING SYSTEM USED IN BALTIMORE CITY IS UPGRADED TO~~
 20 ~~COMPLY WITH REQUIREMENTS OF FEDERAL LAW, PARAGRAPH (2) OF THIS~~
 21 ~~SUBSECTION, AS IT RELATES TO THE REQUIREMENT TO IMPLEMENT A UNIFORM~~
 22 ~~STATEWIDE VOTING SYSTEM BY JULY 1, 2006, DOES NOT APPLY TO BALTIMORE CITY.~~

23 (2) ~~A county that has purchased a voting system for voting at polling~~
 24 ~~places within the last 10 years and before December 31, 2000 is not required to~~
 25 ~~implement the uniform statewide voting system for voting at polling places provided~~
 26 ~~for under this Act until July 1, 2006, and is not required to pay a share of the cost of~~
 27 ~~acquiring and operating the uniform statewide voting system for voting at polling~~
 28 ~~places until the system is implemented in the county[; and].~~

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 2004.

